

APPROVED 10/5/09
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, September 14, 2009 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

MEMBERS PRESENT:

James J. Giulietti, Vice Chairman
Douglas E. Roberts, Secretary
Vern E. Carlson
Brian Cummings
William D. O'Hare, Alternate, sitting

MEMBERS ABSENT:

Dominic M. Palumbo, Chairman
Antoinette Carmody, Alternate
John H. Vanacore, Alternate

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Jonathan Bodwell, Town Engineer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Giulietti, Acting Chairman, called the meeting to order at 7:02 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Giulietti then explained the procedure for the public hearing and asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there were none.

PUBLIC HEARINGS:

Mr. Roberts read the call for the first public hearing.

1. #P09-30 Public Hearing for the Site Plan Application of Pocket Communications Applicant, South Central Connecticut Regional Water Authority, Owner, relative to 3 Horseshoe Hill Road, (Map 8, Block 66). Plan Entitled: Pocket Smart Wireless NHCT0177A, 3 Horseshoe Hill Road, North Haven, CT 06473. Prepared by Bay State Design, Inc., Dated 8/6/09. Scale 1" = 20'. R-40 Zoning District.

Attorney Carrie Larson with Pullman and Comley presented the application to permit the attachment of three "panel" antennas on top of the existing water tank on this property. The antennas are proposed to extend eight feet above the top of the existing 40' high tank. The plan also includes a proposed 6'X6' equipment area. Mr. Tony Wells, Radio Frequency Engineer, further described the proposed site, signal coverage and equipment.

The Commission asked a few questions and Mr. Wells responded. Attorney Carrie Larson spoke regarding FCC standards.

Mr. Giulietti asked for public comment.

There being no comments; the public hearing was closed.

Mr. Roberts read the call for the second public hearing.

The Commission elected to hear applications P09-27S & P09-27 together.

2. #P09-27S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of SAF-T Auto Centers, Applicant, Amy E. DiFazio, Owner, relative to 476 Washington Avenue, (Map 90, Block 26). Plan Entitled: SAF-T Auto Centers, Property Owned by Amy E. DiFazio, 476 Washington Avenue, North Haven, CT. Prepared by PDS Engineering & Construction, Inc., Dated 7-29-09. Scale 1" = 20'. CB-40 Zoning District.
4. #P09-27 Site Plan Application of SAF-T Auto Centers, Applicant, Amy E. DiFazio, Owner, relative to 476 Washington Avenue, (Map 90, Block 26). Plan Entitled: SAF-T Auto Centers, Property Owned by Amy E. DiFazio, 476 Washington Avenue, North Haven, CT. Prepared by PDS Engineering & Construction, Inc., Dated 7-29-09. Scale 1" = 20'. CB-40 Zoning District.

Mr. Richard Bilodeau, applicant, presented the application to permit the granting of a motor vehicle repairer's license for this property, the change of use of approximately 4,070 square feet of the existing use to motor vehicle repair and some site improvements. No auto body repair, towing or storage is being proposed. Hours of operation will be Monday-Friday 8:00 a.m. - 5:30 p.m. and Saturday 8:00 a.m.-1:00 p.m.. Mr. Giulietti asked about parking. Mr. Bilodeau stated that there are 15 retail spaces and 11 for his business. Mr. Giulietti has concerns with vehicles being stored outside overnight. Mr. Bilodeau stated that they would be left in the work bays. Mr. Cummings asked about the traffic flow and Mr. Fredricksen, Land Use Administrator responded.

Mr. Giulietti asked for public comment.

Public comment:

1. Mr. Khan, 490 Washington Avenue, stated that when he came to the Commission to be granted a repairer's license, in the same area, he was denied.
2. Mr. Ed Hilburt, 490 Washington Avenue, stated that it would be unfair to grant this applicant a repairer's license since he was denied.
3. Mr. Robert Vandal, 3 Bradley Street, has concerns with noise and accumulating trash in the dumpster; however, he has seen the applicant's other businesses and stated that they were kept clean.
4. Mr. Paul Kovel, stated that it would be unfair to grant a license to this applicant because the 490 Washington Ave property, across from the applicant's site, was previously denied.

Mr. Bilodeau responded to the public's comments. Mr. Fredricksen asked about irrigation. Mr. Bilodeau would like irrigation waived.

There being no further comments; the public hearing was closed.

Mr. Roberts read the call for the third public hearing.

3. #P09-33 Application of Steven M. Wolk, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit other art studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Mr. Steve Wolk, applicant, presented the application to permit other Art Studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB zoning districts. QVHD stated they will not support dermagraphics in an art studio.

Mr. Wolk asked to postpone his application to get a better understanding of why QVHD will not support dermagraphics in an art studio.

SITE PLANS:

5. #P09-28 Site Plan Application of Ken Ginsburg, VGY Development, LLC, Owner and Applicant, relative to 449-453 Washington Avenue, (Map 90, Lot 8).
Plan Entitled: Proposed Site Development Plan, for 449/453 Washington Avenue, North Haven, Connecticut. Prepared by John Paul Garcia & Assoc., Dated 7-28-09. Scale 1" = 30'. IL-30 Zoning District.

Mr. John Paul Garcia, engineer, presented the application to permit the construction of two buildings on this vacant site. The front building, as proposed, is approximately 3,600 square feet, single story, and will contain a sit down restaurant. The rear building, as proposed, is three stories in height, 7,500 square feet per story and is intended for medical office use. The Commission approved an Excavation Permit (#P08-52) for this site on August 4, 2008. A bond of \$34,500.00 is still in place for this project.

Mr. Garcia explained the drainage, parking requirements, traffic flow and lighting. He then reviewed Town comments with the Commission. He stated that irrigation and sidewalks are being proposed. If approval is granted, then work will begin in the spring on the medical building. The Commission asked questions and Mr. Garcia responded.

6. #P09-31 Site Plan Application of McDermott Road, LLC, Owner and Applicant, relative to 81 McDermott Road, (Map 6, Lot 33). Plan Entitled: Site Development Plan, 81 McDermott Road, North Haven, CT, Prepared by Nafis & Young Engineers, Inc., Dated 12/15/08, rev. 8/7/09. Scale 1" = 20'. IL-30 Zoning District.

Mr. Robert Mangino, architect, and Mr. John Harriman with Nafis & Young Engineers, presented the application to permit the construction of a new, two story, 7,400 square feet building. The first floor use is intended to be retail and the second floor use is intended to be office. A drive-thru service lane/window and 63 parking spaces are also proposed.

He then explained the proposed drainage system, landscaping plan and further described the site. Sidewalks are being proposed along Quinnipiac Avenue but the applicant is asking to waive the sidewalks along McDermott Road. Mr. Mangino described the features of the proposed two-story building. Mr. Giulietti asked why the applicant is requesting to waive sidewalks on McDermott Road. Mr. Harriman stated there are no other sidewalks on McDermott Road.

7. #P09-32 Site Plan Application of 208 Quinnipiac Avenue, LLC, Owner and Applicant, relative to 208 Quinnipiac Avenue, (Map 11, Lot 35). Plan Entitled: Site Development Plan, Property of 208 Quinnipiac Avenue, LLC, Prepared by Godfrey-Hoffman Associates, LLC, Dated 8-7-09. Scale 1" = 20'. IL-30 Zoning District.

Mr. Chris Gagnon with Godfrey-Hoffman and Associates presented the application to modify application #P03-38, primarily with respect to drainage configuration. There will now be two drainage systems on the northern portion of the property and the grading of the finished floor elevation is approximately 0.7' lower than the elevation shown on the previous plan. There are now 20 parking spaces instead of 18. A generator on a concrete pad is now located behind the building. Also, a dumpster on a concrete pad is located to the south of the building. Landscaping is also being modified.

BREAK: 9:02 PM – 9:14 PM

DELIBERATION SESSION:

- #P09-17 Resubdivision application of Kerstin Rigi, Applicant and Owner, for two (2) lots, relative to 320 Kings Highway.

Mr. Carlson moved to approve the application; Mr. O'Hare seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The application was approved with appropriate conditions.

PUBLIC HEARINGS:

1. #P09-30 Public Hearing for the Site Plan Application of Pocket Communications Applicant, South Central Connecticut Regional Water Authority, Owner, relative to 3 Horseshoe Hill Road.

Mr. Carlson moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The application was approved with the appropriate conditions.

2. #P09-27S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of SAF-T Auto Centers, Applicant, Amy E. DiFazio, Owner, relative to 476 Washington Avenue.

Mr. Carlson moved to deny the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – nay

The application was denied by a vote of 4-1. The Commission stated the following reasons for the denial:

1. This site is not suitable for a use requiring a vehicle repairer's license because it is located too close to Quinnipiac University.
 2. This area is presently congested in its mix of uses and an expansion of the motor vehicle use will only worsen site traffic.
 3. No approvals have been granted for a repairer's license in this area.
 4. The Town is trying to improve this area as per the Town's Plan of Conservation and Development.
3. #P09-33 Application of Steven M. Wolk, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit other art studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB Zoning Districts.

Mr. Carlson moved to postpone the application to the October 5, 2009 meeting; Mr. Roberts seconded the motion.

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

SITE PLANS:

4. #P09-27 Site Plan Application of SAF-T Auto Centers, Applicant, Amy E. DiFazio, Owner, relative to 476 Washington Avenue.

Mr. Carlson moved to deny the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -nay

The application was denied by a vote of 4-1, since there is not an approved Special Permit for the use.

5. #P09-28 Site Plan Application of Ken Ginsburg, VGY Development, LLC, Owner and Applicant, relative to 449-453 Washington Avenue.

Mr. Cummings moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

The application was approved with appropriate conditions.

6. #P09-31 Site Plan Application of McDermott Road, LLC, Owner and Applicant, relative to 81 McDermott Road.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

The application was approved with appropriate conditions.

7. #P09-32 Site Plan Application of 208 Quinnipiac Avenue, LLC, Owner and Applicant, relative to 208 Quinnipiac Avenue.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

The application was approved with appropriate conditions.

OTHER: Lot Line Revision – 129T Bassett Road

Attorney John Lambert explained the reason for the lot line revision to the Commission. Mr. Giulietti asked about complying with the added notation on the plan of “not a building lot”.

Mr. Roberts moved to approve the lot line revision for 129T Bassett Road with the notation that this lot “is not a building lot”; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

INFORMAL PRESENTATION: None

EXTENSIONS:

#P05-74, 144D & 146 Washington Avenue

Attorney Tara Shaw explained the reason for the extension request.

Mr. Carlson moved to table the six (6) month extension for application #P05-74, 144D & 146 Washington Avenue to the October 5, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

BOND RELEASES & REDUCTIONS: None

CHANGE OF USE:

400 Sackett Point Road

Mr. Daniel Carlone stated that his business has been located at 400 Sackett Point Road since 2006. Mr. Giulietti stated to open a business a Change of Use form is required. Mr. Carlone stated that he rents 5000 square feet of warehouse for manufactured goods to be transported. Mr. Giulietti suggested sending a letter to the owner informing him to come before the commission.

Mr. Carlson moved to approve the Change of Use from the assembly of electronic circuit boards to a trucking and distribution warehouse. The Change of Use only applies to the 5,000 square feet currently occupied; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

464 Washington Avenue

Mr. Carlson moved to approve the Change of Use from a neighborhood service (dry cleaner) to an office (psychic/astrology); Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

CORRESPONDENCE: - Pond View Estates

- Pharmacia & Upjohn Status Report, August 2009

- Conn. Federation of Planning & Zoning Agencies,
Newsletter, Summer 2009

- Cease & Desist – Stanley Sosensky
Central Conn. Regional Council of Governments
Letter.

- South

Pond View Estates

Mr. Fredricksen stated that a letter was sent to Mr. Vizziello on September 4, 2009 and

there has been no response. Mr. Giulietti suggested no further Certificates Of Occupancy for Pond View Estates until site work is completed.

Cease & Desist – Stanley Sosensky, 63 Corey Road

Mr. Fredricksen explained that the Town Attorney is informing the Commission of the violation of junk vehicles on 63 Corey Road.

MINUTES:

August 3, 2009

Mr. Carlson moved to approve the minutes of the August 3, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts – aye Carlson –aye Cummings – aye O’Hare – aye

GENERAL PUBLIC COMMENT:

ADJOURN:

There being no further business, Mr. Carlson moved to adjourn; Mr. Roberts seconded the motion. The meeting was adjourned at 10:01 PM.